

**City of Sandy Springs Board of Ethics Meeting** was held at Sandy Springs City Hall, 7840 Roswell Road, Building 500, Sandy Springs, Georgia, 30350, on April 11, 2012, at 9:00 a.m.

**Call to Order**

**Chairman Kevin King** called the meeting to order at 9:03 a.m.

**Roll call**

**Assistant City Clerk Kelly Bogner** called the roll.

**Board Members Present:** Ted Sandler, Kevin King, Stuart Steinmark, Cindy Johnson, and alternates Lorrie Mell and David Baker. David Price was absent.

**Staff and Representatives Present:** City Clerk Michael Casey, Assistant City Clerk Kelly Bogner, and City Attorney Wendell Willard were present.

**Ruling on Quorum**

**Assistant City Clerk Kelly Bogner** confirmed a quorum was in place for the meeting.

**Chairman Kevin King** welcomed alternate member David Baker to the Sandy Springs Board of Ethics.

Chairman King asked if David Baker has been sworn in as a voting member.

**City Clerk Michael Casey** stated he has not, but arrangements will be made for that to occur at the next regular meeting.

**Approval of Board minutes from January 11, 2012 Regular Meeting**

**Motion and Vote:** Stuart Steinmark moved to approve the January 11, 2012, regular meeting minutes. Ted Sandler seconded the motion. The motion carried unanimously.

**Old Business**

There was no old business.

**New Business**

**David Baker** asked about the conflict between the City's ordinances and the Board of Ethics by-laws previously encountered by the Board.

**Stuart Steinmark** stated the issue involved real estate signs.

**Cindy Johnson** stated the City ordinance provides that City Councilmembers cannot remove themselves from a vote, unless there is a very clear conflict of interest.

**Ted Sandler** stated conflict of interest is more loosely defined in the Charter pertaining to the role of a Councilmember. There was a City Councilmember who voted on an issue that resulted in an appearance of impropriety.

Stuart Steinmark stated the City Charter overrules the Board by-laws.

**Chairman Kevin King** stated it was requested that the concept of conflict of interest be discussed, so the Board would have a better understanding of the Board's role moving forward.

**Lorrie Mell** stated the Board discusses ethics, which is different than the rule of law by providing a moral aspect. She previously served on a hospital ethics board. When the Ethics Board discusses law versus ethics, ethics could be construed as part of the law. Ethics are laws in accordance with right principles. Honesty, sincerity, genuineness, and integrity are ethics, but do not relate directly to the law.

City Attorney Wendell Willard joined the meeting at this time.

Lorrie Mell continued there is a difference between ethics and law, even though ethics are involved with the law. An example may be the segregation law, and yet it was very unethical. Recently in the news there were concerns on whether Governor Deal had improperly used State campaign funds for a bill related to a Federal investigation.

**City Attorney Wendell Willard** stated there are questions about what may be addressed by laws versus what may be a moral issue. Campaign fund issues would be addressed by laws.

Ted Sandler stated there are many examples of unethical behavior in history, abortion being one. Abortion is legal, but there are people that think it is morally wrong. People deal with issues on a regular basis. Most people decide to do what feels right, or not do something because they may be breaking the law.

Stuart Steinmark stated ethics and morals are not carved in stone. Flexible concepts vary according to the times and culture. Members of the Ethics Board are faced with making a decision as to whether certain conduct is or is not a violation of the by-laws. He asked if the Board measures the standards by what the Board feels or by looking at certain defined rules that govern the boardmembers' actions.

Ted Sandler stated if the Board feels a circumstance is questionable, there is always the option to modify the by-laws. He views the Board of Ethics as a judicial board. There are times when a circumstance will be looked at and the by-laws and Charter will be interpreted the best way possible. There are times the Board may make a decision that is not 100% consistent with the by-laws, but that is within the Board's decision making authority.

Lorrie Mell stated when the Board makes decisions, the ethical part is not being sufficiently considered. The Board should look beyond the law and look at the ethical issues.

David Baker stated the Board should look at what authority they have. Ethics and laws are often in great conflict. The Board is limited to the purpose, authorizations given, and the rules to make the decisions by. Some situations can become very uncomfortable, because the law may be inadequate to address something that is totally wrong.

City Attorney Willard stated the Board serves in a quasi-judicial role. The Board's purpose is to consider if conduct is prohibited by the provisions within the ethics code for City officials. Once that has been determined, the Board is sitting as a fact finder. Matters of conduct are not at the same level as a prohibited action. A conflict of interest definition rests on what the Board finds to be inappropriate under certain circumstances.



Chairman King stated he believes Lorrie is asking about the role of the Board.

Lorrie Mell stated she is asking just what the role of the Board is. She asked where ethics would be used in theory with the law.

Chairman King stated the role of the Board is to ask whether particular behavior is in alignment with the City Charter and Ethics by-laws. The question is whether certain behavior is inconsistent or consistent with the by-laws. A written ethics rule is not much different from written laws, because rules are to be followed. The people that are subject to these rules are owed some clarity as to what their limits are.

Lorrie Mell stated she still has trouble understanding the ethical aspect, since the law aspect is considered first. In April 2011, a Councilwoman in Forest Park, GA faced ethics charges. She was charged with taking money from campaign funds and using the money to make t-shirts with her name and phone number printed on them. She then gave the t-shirts out to her constituents to help them easily locate her.

Ted Sandler stated the City has a Charter and by-laws for individuals to follow. The Ethics by-laws give the boardmembers a process, but do not define everything. The City Charter is the operating document for the entire City. He has a problem not following what is in the Charter. There are levels of respect to be given to different documents. In regards to the issue at the City of Forest Park, the facts in the circumstance have to be looked at. The Sandy Springs Board of Ethics role is to look at the facts and obtain information regarding a complaint, and then responds according to how they feel about the issue.

City Attorney Willard stated as a collective body the Board looks at all the information. Not all boardmembers will agree on the same issue. There is nothing unusual with a split decision when trying to reach a moral decision regarding what is right or wrong.

Lorrie Mell stated she read in the newspaper recently that the State of Georgia received an 'F' grade in ethics reform.

City Attorney Willard stated Georgia dropped from number six or seven in the country to the bottom of the list because of the ongoing debate of gifts to legislators or elected public officials. There is still discussion about what is right or wrong as to taking an elected official out to dinner. Every elected official has to consider if the actions are appropriate or not.

Stuart Steinmark stated one person's view of a violation of ethics may be another person's view as the right way to do something. The Board is charged with evaluating a circumstance, the intentions of a formal complaint, determining the facts and how the facts relate to the Board's by-laws, and then coming to a conclusion. The fundamental analysis approach is to apply the facts to the governing rules. Boardmembers can disagree reasonably about how to interpret one's actions against the standards. If it is clear that certain conduct is set forth in the rules as being unethical, then the position is clear.

Lorrie Mell stated during the Board's discussions they do not necessarily look at the right and wrong or the moral or immoral aspect of what is being dealt with. She believes the Councilmember in Forest Park was acting unethical in regards to making the t-shirts. In January 2012, the Ethics Commission of Forsyth County did not have rules on when to hold meetings and when to publicize the meetings. The County got into trouble for this.

City Attorney Willard stated the Forsyth County Board of Commissioners had issues because they did not publish their meetings.

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Lorrie Mell stated Forsyth County did not have any rules on when to meet. The Board then set the rules to meet the second Tuesday in November and May.

City Attorney Willard stated there is a State law that requires meetings to be published and notice given to the public.

Stuart Steinmark stated deciding if a certain situation is moral or ethical will be based on what an individual feels. The decisions this Board is faced with making fall fairly clearly within the guidelines of which the Board is charged to operate.

Lorrie Mell stated ethics are a sensitive subject, especially in a hospital setting.

Ted Sandler stated the Board can look at the facts surrounding the judgment of a person and how a decision was made. The Board then decides if they concur on the decision or if the judgment was made in error.

Kevin King stated the Board understanding the process helps to break the decision making process into small pieces, which helps towards making a final decision. He thanked Lorrie Mell for bringing this type of information to the attention of the Board.

Lorrie Mell stated she felt it was appropriate to use this meeting to discuss how the Boardmembers feel regarding ethics and morals.

Stuart Steinmark stated it is helpful for the Boardmembers to occasionally reread the Ethics by-laws and City ordinance to be familiar with them.

**Other New Business**

**Stuart Steinmark** asked about the status of Boardmember David Price. He asked when David Price last attended a Board meeting.

**Cindy Johnson** stated she believes it was the special called meeting held in December 2011.


**Ted Sandler** stated the Board has previously reached out to David Price to find out if there is an issue with him being on the Board. He has not been able to reach David Price.

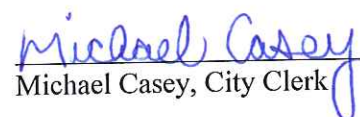
**Kevin King** stated before the next Board meeting he will reach out to David Price and if necessary speak to City Attorney Wendell Willard and City Clerk Michael Casey regarding Mr. Price continuing as a Boardmember.

**Adjournment**

**Motion and Vote:** Lorrie Mell moved to adjourn the meeting. Stuart Steinmark seconded the motion. The motion carried unanimously. The meeting adjourned at 9:49 a.m.

Date Approved: July 11, 2012

  
Kevin King, Chairman

  
Michael Casey, City Clerk